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June 8, 2020

VIA ECF

Hon. Lorna G. Schofield
U.S. District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: *Giroto v. Andreas WV LLC et al.*,
Civil Action No.: 1:20-cv-02240-LGS (S.D.N.Y.)**

Dear Judge Schofield:

This firm represents Defendant The New School ("TNS") in the above-referenced matter. We write, with the consent of Plaintiff Luigi Giroto ("Plaintiff"), to respectfully request: (1) a 14-day extension of TNS' responsive pleading deadline, up to and including July 9, 2020; and (2) a 30-day adjournment of the Initial Pretrial Conference presently scheduled for June 11, 2020.

By way of background, Plaintiff commenced this action, which concerns the accessibility of the Da Andrea restaurant located at 35 West 13th Street, New York, NY (the "Property"), on or about March 12, 2020. ([ECF No. 1.](#)) Plaintiff filed an Amended Complaint naming TNS as a Defendant on May 28, 2020. ([ECF No. 20.](#)) Plaintiff served the Amended Complaint on TNS on June 4, 2020. ([ECF No. 34.](#)) Accordingly, TNS' responsive pleading deadline is June 25, 2020. (*Id.*) Defendant Andreas WV LLC ("Andreas WV") is the tenant/operator of the Property. Andreas WV was purportedly served with the Amended Complaint on June 1, 2020, and thus must respond or move by June 22, 2020. ([ECF No. 26.](#)) Andreas WV has not yet appeared in this action.

On March 30, 2020, the Court Ordered an Initial Conference for May 14, 2020. ([ECF No. 7.](#)) On May 6, 2020, Plaintiff requested an adjournment of the Initial Conference, which the Court granted the next day, on May 7, 2020. (ECF Nos. 14-15.) The Initial Conference is presently scheduled for June 11, 2020 at 11:00 a.m. As Andreas WV has not yet appeared, only Plaintiff and TNS filed a joint status letter and Proposed Civil Case Management Plan and Scheduling Order. (ECF Nos. 33, 35.)

TNS respectfully requests that the Court adjourn the Initial Conference to allow time for Andreas WV to appear in this action, participate in the drafting of the Proposed



Hon. Lorna G. Schofield
June 8, 2020
Page 2

Civil Case Management Plan and Scheduling Order, and to confer as per Fed. R. Civ. P. 26(f). If the Court grants this application, then TNS will endeavor to file a revised CMP and joint letter, as required, one week in advance of the rescheduled conference date. TNS also respectfully requests a brief, 2-week extension of its responsive pleading deadline. As TNS was only served several days ago, it requires additional time to investigate the allegations and prepare a response.

The additional time requested herein would facilitate good faith discussions regarding a settlement, and allow additional time for Andreas WV to appear in this action, given the significant impacts of COVID-19 and public health measures on the restaurant industry. This is TNS' first request for both an extension of its responsive pleading deadline and an adjournment of the Initial Conference. This request does not impact any other scheduled deadlines.

We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF)

Application GRANTED. The deadline for all Defendants (*see* Dkt. Nos. 26, 34) to answer or otherwise respond to the Amended Complaint (Dkt. No. 20) is hereby extended to July 9, 2020. The initial conference, currently scheduled for June 11, 2020, is hereby adjourned to July 16, 2020, at 11:00 A.M. The parties shall file amended versions of their pre-conference materials July 9, 2020. Plaintiff shall serve a copy of this Order on Defendant Andreas WV LLC and file proof of service by June 11, 2020. Defendant Andreas WV LLC shall appear in this action as soon as is practicable, but no later than June 16, 2020. SO ORDERED.

Dated: June 9, 2020

New York, New York

A handwritten signature in black ink, appearing to read 'Lorna G. Schofield', written over a horizontal line.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE